

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>TERRY C. JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 09-cv-420-MJR</b>
	)	
<b>JOSE A. DELGADO, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

At the time he filed his pro se civil rights complaint pursuant to 42 U.S.C. § 1983 and his motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, Plaintiff was confined at the Menard Correctional Center. Although it appears that *after* filing the complaint and the instant motion to proceed *in forma pauperis* Plaintiff was released from confinement, he was detained at the time he filed these pleadings and, therefore, the prisoner provisions of 28 U.S.C. § 1915 still apply. *See Robbins v. Switzer*, 104 F.3d 895, 897-98 (7<sup>th</sup> Cir. 1997).

Following the procedure detailed by the Seventh Circuit in *Robbins*, this Court is required to calculate and Plaintiff is obligated to pay an initial partial filing fee based on Plaintiff's jail account information. *Robbins*, 104F.3d at 898-99.

**IT IS THEREFORE ORDERED** that the motions for leave to proceed (Docs. 2 and 3) *in forma pauperis* are **GRANTED**.

Based on the financial information provided with the motions to proceed *in forma pauperis*, **IT IS FURTHER ORDERED** that Plaintiff shall pay an initial partial filing fee of \$14.52 within **FIFTEEN (15) DAYS** of the entry of this Order.

Additionally, because Petitioner is no longer detained or incarcerated, he must pay the remaining balance of the \$350 filing fee (\$335.48) or file a motion to proceed *in forma pauperis* with regard to the balance within **FIFTEEN (15) DAYS** of the entry of this Order. *Robbins*, 104 F.3d at 899.

**IT IS FURTHER ORDERED** that if Plaintiff does not comply with this Order in the time allotted, this case will be dismissed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *Robbins*, 104 F.3d at 899; *see also Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS FURTHER ORDERED** that Plaintiff's motion to order the trust fund officer at Menard to provide a copy of the trust fund account statement is **DENIED** as moot.

**IT IS SO ORDERED.**

**DATED this 1st day of March, 2010.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**